

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	Criminal No. 05-30003-MAP
)	
)	
v.)	
)	
GODFREY TANDOW)	
Defendant.)	

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government has provided a copy to Attorney Mark Mastroianni, counsel for Defendant.

1. There are no outstanding discovery requests from the Defendant in this case. The Defendant has not provided any discovery to the government.

2. The parties do not anticipate additional discovery as the result of future receipt of information.

3. The defendants do not intend to raise a defense of insanity or public authority.

4. The government has requested notice of alibi by the defendants and there have been no response by the Defendant.

5. The Defendant has not yet filed but may file, a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. The parties request this Court to set a further date for a final status conference. The parties are engaged in negotiations to resolve this case through a change of plea.

7. The parties agree that there are periods of excludable delay. The parties agree that the time from March 28, 2004 - the date of the initial status - until May 10, 2005 should be excluded from the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(1)(f) and 18 U.S.C. §3161(h)(8)(A).

Therefore, as of the day of the Status Conference on May 10, 2005, no time has run on the Speedy Trial clock.

8. In the event that a trial is necessary the trial will last approximately 4 days.

9. A date convenient with the Court should be established for Final Status Conference.

Filed this 6th day of May 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant United States Attorney

/s/ Mark Mastroianni
Mark Mastroianni, ESQ.
Counsel for Defendant
On behalf of Defendant Tadow

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
May 6, 2005

I, Paul Smyth, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing, to counsel of record, Attorney Mark Mastroianni.

/s/ Paul Hart Smyth
PAUL HART SMYTH
Assistant U.S. Attorney